

Statement by Passenger Vessel Association

Cornel Martin, Vice President, PVA

Maritime Security, Temporary Interim Rules

The Passenger Vessel Association – the national trade association for U.S. passenger vessels of all types – appreciates this opportunity to comment on the Coast Guard's Temporary Interim Rule on Maritime Security, issued on July 1.

I am Cornel Martin, vice president of PVA. It's a pleasure for me to return to Capitol Hill, where I served as a staffer for Congressman Billy Tauzin and for the Subcommittee on Coast Guard and Navigation.

PVA supports the rule's provision for approved Alternative Security Programs (industry standards).

The Temporary Interim Rule contemplates that security plans must be developed for many vessels and maritime facilities. These plans must address certain areas set out in the rule and they must be submitted to the Coast Guard for approval.

The Temporary Interim Rule permits an industry association (such as PVA) to develop its own "industry standard" on security and submit it to the Coast Guard for approval. When approved, this industry standard (or Alternative Security Program, to use the Coast Guard's term) will provide an alternative method for a vessel operator to comply with his or her legal responsibility for security. This is found in Section 101.120(b) of the *Code of Federal Regulations*.

PVA strongly supports the provisions for alternative measures. The domestic passenger vessel is diverse in vessel types, operating environment and passenger services. PVA believes that the membership is best served by developing an industry standard that reflects that broad diversity. As a result, PVA is working with the Coast Guard to gain early approval of the *PVA Industry Standards for Security of Passenger Vessels and Small Passenger Vessels*.

A PVA Security Task Force of more than a dozen members has been developing this document for many months. It takes into account the wide diversity of our members' vessels, operating environments, and service types, and it lessens the "international" flavor of the Coast Guard regulations.

The Coast Guard is familiar with the work of the PVA Security Task Force. We have consulted regularly with appropriate Coast Guard officials as the document has evolved. We appreciate their feedback on our drafts and have incorporated many of their suggestions into our work.

The *PVA Industry Standards for Security of Passenger Vessels and Small Passenger Vessels* will be submitted to the Coast Guard for final approval within a few days. We

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hope to hear about its approval in early August, and (if approved) it will be made available for members' use shortly thereafter. This will give our members sufficient time before the December 29 deadline to use our alternative industry standards to comply with the security regulations, should they wish to do so.

Incidentally, indications from our membership are that a good portion of them intends to take advantage of the alternative security program option.

In short, the Alternative Security Program portion of the Temporary Interim Rule is an extremely useful provision.

PVA supports the Coast Guard's decision to treat smaller passenger vessels in a manner different than larger passenger vessels.

Under the Coast Guard's Temporary Interim Rule (Section 104.105 of Title 33, *Code of Federal Regulations*), a small passenger vessel (150 passengers or fewer) does **not** have to prepare a Vessel Security Plan for Coast Guard approval.

PVA believes that this is an appropriate choice by the Coast Guard. Its analysis concludes that the risk of a possible transportation security incident (terrorist incident) for a small passenger vessel does not justify applying the same regulatory measures that apply to larger passenger vessels. Operators of smaller passenger vessels as a general rule do not have the same financial resources as do larger operators. As the *Federal Register* document makes clear, development of and adherence to formal vessel security plans can be a costly proposition. Given the low security risk involved, it is not appropriate for the government to impose a costly unfounded mandate on this segment of the domestic passenger vessel industry.

AIS – An Unacceptable Burden on Most Vessels in Domestic Service

We object strongly to the AIS carriage requirement, as written, and we are highly concerned about its impending extension to even more geographic areas and vessels.

The Temporary Interim Rule requires AIS (Automatic Identification System) equipment on every passenger vessel of 65 feet or more in length (required by law) and on every passenger vessel carrying 50 or more passengers (a threshold within the Coast Guard's discretion to set) when operating in areas served by VTS (Vessel Traffic Service) or VMRS (Vessel Movement Reporting System). These areas include Los Angeles/Long Beach, San Francisco Bay, Puget Sound, New Orleans, New York, Prince William Sound (Alaska), Houston, St. Mary's River (Michigan), and Port Arthur (TX).